

10 T.W.
Application No. ~~45~~/535268
Responsive to the office action dated December 1, 2009

REMARKS

Favorable reconsideration of this application is requested in view of the following remarks.

Claims 10-11 and 16-17 have been canceled without prejudice.

Claims 1 and 20 have been amended to clarify that the salt is a pharmaceutically acceptable salt, which is clear from the objective of the present application (see page 2, lines 8-13 of the specification; see also, page 78, lines 5-24 thereof). Claim 15 has been amended to remove Z^3 from the group that is a divalent linear hydrocarbon group optionally substituted with an oxo group. Claim 18 has been amended editorially. Claim 21 has been amended as supported by the specification at page 83, lines 1-4. Claims 15 and 22-25 have been amended editorially. Claim 38 has been added as supported by the specification at page 57, lines 6-8 and example 68 on pages 172-173.

Claim 1 has been objected to because of informalities. The language “the optionally substituted imidazole ring represented by ring B” is a subject of “may have” in the sentence, and the language “a substituent” is a subject of “may be taken”. Thus, the phrase “the optionally substituted imidazole ring represented by ring B may have” limits the substituent. Accordingly, claim 1 is clear, and this objection should be withdrawn.

Claim 15 has been objected to because of informalities. Claim 15 has been amended to correct the term “according” and is clear, and this objection should be withdrawn.

Claims 21-25 have been objected to because of an ambiguous limitation. Current claim 21 recites that the pharmaceutical preparation includes the compound and pharmaceutically acceptable carrier as suggested, and this claim is clear. Current claims 22-25 recite that the preparation includes the compound in an amount effective for

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various different conditions. Claims 22-25 are product claims and do not include the "for use" limitations. Accordingly, this objection should be withdrawn.

Claims 1, 5-6, 9, 13, 15, 17-18, and 21-25 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Applicants respectfully traverse this rejection.

In claim 1, Z^1 and Z^3 are defined independently as a bond. When a substituent of the imidazole ring B does not form a ring together with R^1 of Z^2 , where Z^2 is $-N(R^1)-$, the nitrogen atom of Z^2 is bound to the ring B and forms "Ring A- $N(R^1)$ - Ring B". Thus, the three groups to which the three covalent bonds of the nitrogen atom are bound are defined.

Current claim 15 excludes " Z^3 " from the group that is a divalent linear hydrocarbon group.

Current claim 18 is clear in identifying the symbols. Because Z^{2a} and Z^4 are members of an optionally substituted ring formed with the optionally substituted imidazole ring B and R^1 of Z^2 , claim 18 further limits claim 1 and includes elements such as Z^{2a} and Z^4 that are not specified in claim 1 and also are included in claim 13. Claim 17 has been canceled without prejudice.

Accordingly, claim 1 and claims 5-6, 13, and 21-25, which ultimately depend from claim 1, and claims 15 and 18 are clear and well defined, and this rejection should be withdrawn.

Claims 1, 5-6, 9, 13, 15, 17-18, and 20-25 have been rejected under 35 U.S.C. 112, first paragraph, as being not complying with the enablement requirement. Applicants respectfully traverse this rejection.

Current claim 1, from which claims 5-6, 9, 13, 15, 18, and 21-25 ultimately depend, and claim 20 recite that the salt is a pharmaceutically acceptable salt. Thus, a person with ordinary skill in the pharmaceutical field could make and use the claimed salts of the compound, and the claims are adequately enabled. Accordingly, this rejection should be withdrawn.

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In view of the above, Applicants request reconsideration of the application in the form of a Notice of Allowance.




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DPM/my/jls

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